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Chairman: Mr. TSHERING (Bhutan)

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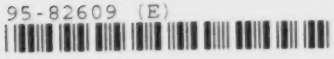

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/50/40, A/50/44, A/50/75-E/1995/10, A/50/78-E/1995/11, A/50/93-E/1995/16, A/50/122-E/1995/18, A/50/160, A/50/164, A/50/469, A/50/472, A/50/505, A/50/512, A/50/755)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/50/57, A/50/61-S/1995/16, A/50/69-S/1995/79, A/50/71-S/1995/80, A/50/81, A/50/92-E/1995/15, A/50/96, A/50/178, A/50/183, A/50/207, A/50/220, A/50/268-S/1995/531, A/50/269-S/1995/536, A/50/281, A/50/285-S/1995/573, A/50/287-S/1995/575, A/50/296-S/1995/597, A/50/302-S/1995/594, A/50/329, A/50/354-S/1995/696, A/50/358-S/1995/712, A/50/441-S/1995/801, A/50/471, A/50/558, A/50/567, A/50/568, A/50/569, A/50/661, A/50/662, A/50/663, A/50/709-S/1995/915, A/50/727-S/1995/993, A/50/734, A/50/767, A/50/782; A/C.3/50/9)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36, A/50/743)

1. Mr. GAMBARI (Nigeria) pointed out that Nigeria was a party to the principal international human rights instruments and that the Government had recently reaffirmed its commitment to the Vienna Programme of Action. The trial which had led to the execution of nine persons found guilty of the murder of four leaders of the Movement for the Survival of the Ogoni people (MOSOP) and which had aroused emotional and, in some cases, hostile reactions from the international community had been duly conducted in compliance with Nigerian legislation. It had not been a military tribunal. The death penalty fell within the purview of the State, which had the responsibility of ensuring that no one committed murder with impunity and that no one was above the law. Imposition of the death penalty in accordance with the law was not a violation of human rights; more than half of the Member States of the United Nations still had the death penalty in their statute books.

2. More fundamentally, protection of human rights should not serve as a pretext for interference in the internal affairs of a State. In the case under consideration, some Member States of the United Nations were attempting to

denigrate Nigeria and undermine its economic base by preventing it from protecting and promoting a particularly important fundamental right of Nigerian citizens: the right to development.

3. With respect to the Vienna Declaration and Programme of Action, his delegation reaffirmed Nigeria's commitment to promote and protect the rights of women and the girl-child as an integral part of human rights as restated in the Beijing Platform for Action. His Government was also firmly committed to protection of the rights of children and welcomed in that connection the assistance offered by many Members of the United Nations, various United Nations agencies (including the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the United Nations Development Programme (UNDP)) and non-governmental organizations.

4. His delegation would like powerful States to stop trying to impose on others their own criteria relating to human rights. A better approach would be to make the work of the High Commissioner on Human Rights and the Centre for Human Rights more objective and transparent so that the deliberations of the Commission on Human Rights and of the Third Committee could command the respect they deserved. That was necessary if the credibility of the United Nations human rights mechanism was not to be sacrificed in the attempt by a few powerful Members to project their foreign policy objectives - even at the expense of the relatively weaker States - under the guise of promotion of human rights.

5. His delegation would support all genuine efforts to improve human rights conditions in both the developed and the developing countries, since the promotion of human rights was both an investment in and insurance for peace and security. It was in the best interests of all States to support genuine efforts devoid of any hidden political interest and to that end, to enter into a frank dialogue and to emphasize crisis prevention rather than simply reacting to human rights violations which usually accompanied crises. It was in that spirit that his delegation supported the appeal for new human and financial resources launched by the High Commissioner for Human Rights. Similarly, the Centre for Human Rights would, in its view, remain a significant catalyst in the promotion of human rights and in the management of technical cooperation and assistance to Member States. In the context of such assistance, the training of law enforcement agents and their role in the promotion of human rights among the citizenry should be emphasized.

6. His delegation considered that efforts should be made: (a) to enhance international cooperation and assistance for the implementation of the Programmes of Action; (b) to disseminate information on human rights instruments; (c) to provide the necessary human and financial resources to the Centre for Human Rights to enable it to discharge its mandate effectively; (d) to respect the three basic principles of non-selectivity, impartiality and objectivity on human rights issues in order to enhance the credibility of the United Nations system; (e) to better coordinate the activities of the United Nations agencies dealing with human rights issues so as to avoid duplication and ensure optimal use of available resources and (f) to ensure that governmental institutions cooperated with non-governmental organizations and individuals in the implementation of programmes of action for the promotion and protection of human rights in Member States.

7. Mr. DANESH-YAZDI (Islamic Republic of Iran), speaking on agenda item 112 (c), said that his country attached great importance to human rights and that the precepts of Islam in that regard were no less stringent than those of the Universal Declaration of Human Rights. On the basis of its religious convictions and cultural peculiarities, the Islamic Republic of Iran had established meaningful cooperation ties with the United Nations on human rights.

8. During the previous year, his Government had responded to allegations received from the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, the special rapporteurs on certain issues, some working groups of the Commission on Human Rights and of other governmental and non-governmental organizations (see document A/50/661), had made use of the services of the Centre for Human Rights in drafting its thirteenth periodic report to the Committee on the Elimination of Racial Discrimination, had established the Commission on Islamic Human Rights in accordance with the recommendations of the World Conference on Human Rights, had invited the Special Rapporteur of the Commission on Human Rights on religious intolerance and the High Commissioner for Human Rights to pay official visits to the Islamic Republic of Iran, had enhanced cooperation with the Working Group on Enforced and Involuntary Disappearances and had also established a close working relationship with the new Special Representative appointed to monitor the human rights situation in the Islamic Republic of Iran; his delegation welcomed the latter's appointment. In an atmosphere free from political pressure, existing cooperation could be strengthened. In that connection, it had become clear from the statements of the delegations of a number of countries of the European Union during contacts with the Islamic Republic of Iran, in connection with a draft resolution which had been informally circulated, that those countries were continuing their political manoeuvres against his country.

9. Since the Special Representative had not dealt with any substantive issues in his report (A/50/661), the report required only a non-substantive resolution, which could be adopted by consensus, thus enabling him to get off to a good start. Unfortunately, the sponsors of the draft resolution had opted for a provocative and controversial text, which was alien to the spirit of the Special Representative's report and was intended to undermine the full cooperation of the Islamic Republic of Iran with human rights bodies and mechanisms.

10. An impartial observer could not help but wonder why the European Union was presenting a draft resolution almost identical to that which had been adopted at the forty-ninth session of the General Assembly, even though the latest report submitted to the Assembly (A/50/661) contained none of the allegations reflected in the draft resolution and was different in content, structure and circumstances of presentation from the one presented at the forty-ninth session. Moreover, more than half of the paragraphs were exactly the same as those of resolution 1995/68 of the Commission on Human Rights and, contrary to usual practice, reflected only one paragraph of the Special Representative's report. The draft resolution also suffered from the fact that the paragraphs which reflected new developments in the situation of the Islamic Republic of Iran were limited to six, one of which again referred to the outdated report of the former Special Representative.

11. With regard to paragraph 4, the European Union had forgotten that Salman Rushdie was an offender under international law and under the constitutions of a number of countries, including some European States (for example, articles 19 and 20 of the International Covenant on Civil and Political Rights, article 166 of the Penal Law of the Federal Republic of Germany and article 100 of the Norwegian Constitution). It should also be noted that Iran was not the only country to condemn Salman Rushdie and that the Organization of the Islamic Conference had strongly condemned the blasphemous book, The Satanic Verses.

12. With regard to the eighth preambular paragraph and also paragraph 7, there was no evidence to support the allegation that the Islamic Republic of Iran was responsible for several assassinations committed outside of Iran; however, Iranian diplomats posted abroad had been the victims of terrorist acts. There were many instances where a terrorist group had assassinated not only Iranian citizens and diplomats living abroad but some of their own members; such a situation had recently arisen in Denmark. With regard to the tenth and eleventh preambular paragraphs, if the sponsors of the draft resolution had really intended to reflect the changes which had taken place, they should have mentioned that the High Commissioner for Human Rights had been invited to visit the Islamic Republic of Iran and that cooperation had been established with the working groups of the Commission on Human Rights, including the Working Group on Enforced or Involuntary Disappearances. Similarly, the twelfth and thirteenth preambular paragraphs and also paragraph 2 were simply word-for-word repetitions of resolution 1995/68 of the Commission on Human Rights or resolutions dating from the 1980s and contained allegations which were so vague and baseless that they could not justify the continued monitoring of the human rights situation in the Islamic Republic of Iran.

13. The most serious of those allegations concerned minorities living in Iran, such as the Christian community. The Islamic Republic of Iran took pride in the fact that Muslims and Christians had been living peacefully together in that country for hundreds of years. The assassination of the three pastors could not change that history; the Iranian Government had spared no effort to bring the perpetrators to justice; they had been given a fair trial before an audience which had included representatives of several of the countries which had sponsored the draft resolution, and had been convicted.

14. The fourteenth preambular paragraph reflected the sponsors' disappointment at the fact that the Special Representative's report could not be exploited for political purposes. The fifteenth paragraph merely referred to the outdated reports of the former Special Representative, without referring to the subsequent investigation and the comprehensive replies which had been provided to the Special Representative. The sixteenth preliminary paragraph assumed that continued scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran was warranted, without giving any justification, whereas, in fact, the Special Representative had stated in his report that he was not in a position to discuss matters of substance.

15. Depending on the circumstances, the sponsors alternately claimed that they were unable to adopt a procedural resolution or, on the contrary, that they were obliged to do so. Such a politicization of human rights called for concerted

action to reveal the ulterior motives of the sponsors and to reject the draft resolution. To the so-called champions of human rights who had ignored the massacres and ethnic cleansing in the heart of Europe and shed crocodile tears for an individual who had insulted a great religion and more than one billion of its followers, the Islamic Republic of Iran replied that it was only through cooperation and dialogue that countries with different cultures could be helped to live together in peace. For its part, it would continue to uphold Islamic values and principles and to work with all those who were genuinely interested in the protection of human rights.

16. His delegation would vote against the draft resolution and called upon other Member States to do likewise.

17. Ms. KARINA (Latvia), speaking on agenda item 112 (d), recalled that at the Vienna Conference, Member States of the United Nations had committed themselves to the promotion of universal respect for human rights in accordance with the Charter of the United Nations and other international instruments. Since that time, they had had an opportunity to reaffirm their commitment by creating the post of High Commissioner for Human Rights and supporting the various United Nations bodies concerned. While Governments had the primary responsibility for the protection of human rights, the United Nations also had an important role in that area and must be provided with the necessary financial resources. On a positive note, like many countries, Latvia had committed itself to implementing the recommendations of the Vienna Declaration and Programme of Action, and had created a national programme for the promotion and protection of human rights whose goals were to protect the rights of the most vulnerable groups in society, foster public awareness and promote education in the field of human rights, areas to which little attention had been given during the past 50 years of occupation. With the support of organizations such as the Centre for Human Rights, the United Nations Development Programme (UNDP) and the Organization for Security and Cooperation in Europe (OSCE), Latvia had recently created a national human rights office whose task it was to promote those rights in accordance with Latvian and international law by disseminating information on the rights and responsibilities of individuals and of the State. Her delegation was pleased to note that numerous Governments were working to protect human rights, both by creating national institutions devoted to that purpose and by cooperating with the Special Rapporteurs. However, in certain parts of the world, the human rights situation was not improving and, in some cases, was even deteriorating; in that regard, Latvia supported the statement made by the representative of Spain on behalf of the European Union, particularly with respect to the situation in Chechnya, and hoped that the authorities of the Russian Federation would heed the recommendations of the Human Rights Committee on that matter.

18. Mr. EVRIVIADES (Cyprus) said that the United Nations system had made great progress in the defence of human rights since the end of the Second World War, but that it was not yet adequately equipped to meet the growing demands that confronted it in that area. Nothing could be more important than meeting that responsibility, which was the raison d'être of the United Nations. At the Vienna Conference on human rights, the international community had recognized that human rights were universal, indivisible and interdependent and had charted a course of action in the field of human rights into the next century; however,

its attention and efforts must be focused on the implementation of all existing human rights instruments, not only so that the perpetrators of human rights violations could be condemned but so that the rule of law should be respected in the future.

19. The situation in Cyprus had not changed, and the flagrant violation of all human rights instruments there was continuing. Turkey was bent on partitioning the island by force, thus violating both the individual and collective human rights of the population. As indicated in the report made public by the European Commission of Human Rights on 2 April 1992, nearly 200,000 Greek Cypriot refugees were being denied their basic right to return to their homes and property as part of the "ethnic cleansing" policy initiated by Turkey before it was ever applied in Bosnia and Herzegovina. The Turkish army of occupation was preventing Greek Cypriots and Turkish Cypriots from moving freely within their own country, in flagrant violation of the many resolutions of the Commission on Human Rights reiterating the need for the full restoration of human rights to the population of Cyprus and in particular to the refugees. In flagrant violation of article 49 of the Fourth Geneva Convention, which stipulated that the occupying Power should not transfer parts of its own civilian population into the territory it occupied, settlers from mainland Turkey were being installed in the occupied part of the island and were being given land and houses belonging to displaced Greek Cypriots. Violations of that kind were considered war crimes under the Fourth Geneva Convention. Some 21 years after the invasion of the island, the fate of the missing persons had not yet been ascertained.

20. In its policy in Cyprus, Turkey was violating not only the international human rights instruments but also a great many General Assembly and Security Council resolutions, which had remained a dead letter. Turkey must respect the collective will of the international community and implement the relevant resolutions of the General Assembly and the Security Council. If it did not do so, the Security Council must adopt the necessary measures under Chapter VII of the Charter of the United Nations to ensure their implementation, as it had done in other cases.

21. The people of Cyprus, who were struggling tenaciously to rebuild their country, hoped to be able to exercise their rights and fundamental freedoms in a unified Cyprus that was a member of the European Union.

22. Mr. AL-SAEID (Kuwait) said that human rights questions were of particular importance for Kuwait not only because the country had been occupied by Iraq in 1991, when there had been gross violations of human rights, but also because of the after-effects of the occupation. Iraq was continuing to hold Kuwaitis and refused to cooperate with the International Committee of the Red Cross on their release. The fact that Iraq had recently participated in the meetings of the Tripartite Committee, as indicated in the report of the Special Rapporteur on the situation of human rights in Iraq (A/50/734), did not mean that the problems had been solved. The Third Committee should therefore make it clearly understood to Iraq that its formal participation in such meetings was not enough and that it must release all Kuwaiti prisoners. As indicated in the same report, the human rights situation in Iraq was very disturbing. The international community must show more firmness towards the Iraqi regime, which

had sole responsibility for the suffering of the people since it had rejected the offer made in Security Council resolution 986 (1995) that would have allowed it to benefit from the sale of petroleum and to improve its internal situation.

23. His delegation hoped that the peace agreement recently concluded in Dayton (United States of America) by the parties to the conflict in Bosnia and Herzegovina would make it possible to enforce respect for human rights in that country. It should nevertheless be noted that the Bosnian Serbs were continuing to practise "ethnic cleansing"; those guilty of such practices should be brought before the International Tribunal for the former Yugoslavia.

24. His country would participate in all international human rights forums and reaffirmed its desire to take an active part in the work of the relevant United Nations bodies. It was convinced that the cooperation of the members of the international community in the human rights field was a positive element and was essential.

25. Mr. BORDA (Colombia) said that the achievement of international cooperation in the service of development and the promotion of respect for human rights were two of the primary objectives of the Organization. There had been great progress in the human rights field since the establishment of the Organization, but, as the Vienna World Conference on Human Rights had stressed, the relevant instruments must be strengthened in order to make them more effective and so as to establish a better balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. The creation of the post of United Nations High Commissioner for Human Rights was of great importance. The Conference's reaffirmation of the right to development as a universal and inalienable part of fundamental human rights had been one of its principal achievements. His delegation was pleased that, in his report (A/50/36) and in his statement to the Committee, the High Commissioner for Human Rights had proposed measures for the realization of that right. It awaited with interest the results of the strategy outlined in his report. It agreed with him that a restructured Centre for Human Rights should accord a prominent place to the right to development in the activities of all its branches.

26. The implementation of the right to development encountered numerous obstacles. In order to define the nature of those obstacles and formulate recommendations on how that right should be implemented, the Commission on Human Rights had established a Working Group on the Right to Development, and in 1993 the Vienna Conference had urged the Working Group to submit to the General Assembly, without delay, measures for the effective follow-up of the Declaration on the Right to Development. Although the Working Group had completed the work of its fifth session some weeks previously, it had not yet issued its report, and his delegation was therefore unable to comment on it, as had been its intention. After careful study of that report, the Commission on Human Rights should consider the advisability of convening it once more. In the view of his delegation, identifying the obstacles to the implementation of the right to development and studying the means of eliminating them were matters of urgency.

27. The adaptation of the United Nations human rights machinery to current and future needs had been mentioned in paragraph 95 of the High Commissioner's report. As a member of the Movement of Non-Aligned Countries, Colombia hoped

that the Working Group of the Commission on Human Rights on that question would soon be able to resume work, and it was ready to participate actively in that work. The strengthening of the United Nations human rights machinery should in no event be carried out at the expense of the Organization's programmes and activities for development.

28. His country was currently in the grip of many problems (armed conflicts, drug traffic, an increase in crime and unpunished crime, poverty, etc.) that had a direct impact on its human rights situation. In its determination to promote and defend human rights and maintain the rule of law, the Colombian Government had taken sundry measures to those ends in 1994. It had, for example, transmitted a proposal for negotiations to the armed groups that was consistent with the human rights instruments and international humanitarian law. It had also introduced a bill for Colombia's accession to the second Additional Protocol to the Geneva Conventions of 1949, and the bill had been adopted by the Congress and endorsed by the President in December 1994. It should be emphasized in that regard that Colombia had acceded to the Protocol without any reservations; that fact indicated not only its solicitude to respect the principles enunciated therein but also its desire to serve notice on the armed groups that they also must respect the rights of the Colombian people and, in particular, those of the members of the police force. The Government had also sponsored a bill which, if adopted, would allow it to pay any compensation ordered by the Inter-American Commission on Human Rights or the United Nations Human Rights Committee; it had established a commission to analyse and evaluate the implementation of the recommendations of United Nations human rights bodies; and it was currently endeavouring to bring its national legislation into line with the legal norms embodied in the international instruments to which Colombia was not yet a party. His Government, with the financial support of the Government of the Netherlands, had created a network for communication between governmental human rights bodies and the relevant non-governmental organizations that would allow the instantaneous reception and transmission of information relating to human rights violations, promote the effective protection of the population against such violations and ensure systematic follow-up to the action taken. It hoped that, within three years, the network would have 500 access points throughout the country. It was currently preparing an integrated plan of action to combat the so-called "paramilitary" groups that had sown death and terror in rural areas, and planned to reactivate a special armed group capable of tackling those groups successfully.

29. The delegation of Colombia also wished to note that recently, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on questions relating to torture and the United Nations High Commissioner for Human Rights had visited Colombia at the invitation of the Colombian Government. Moreover, it had invited the following United Nations agencies and officials to visit Colombia in the near future: Working Group on Arbitrary Detention, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on extrajudicial, summary or arbitrary executions, Working Group on Enforced or Involuntary Disappearances, Representative of the Secretary-General on internally displaced persons and the Special Rapporteur on questions relating to torture. Finally, under the auspices of the Colombian Government, the development of the human rights education programme for public security officers would be continued.

30. The Colombian Government would continue resolutely to promote and defend human rights. It would not hesitate to take the measures required to achieve that goal and would continue to cooperate with international agencies for the protection of human rights, as part of its policy of openness.

31. Mr. KEATING (New Zealand), speaking on agenda item 112 (a), (b) and (c) said that the United Nations system had developed a body of international law and mechanisms to monitor its observance, particularly through educational and preventive initiatives and investigative procedures. It was incumbent on the United Nations system and on Governments to ensure that the instruments embodying human rights law were fully, effectively and efficiently implemented, but Governments were also accountable to the international community if human rights were not respected in their countries.

32. Turning to the situation in Nigeria, New Zealand had supported the decision by the Commonwealth to suspend its membership. That decision was primarily a condemnation, but was also intended to encourage Nigeria to return to democracy. New Zealand had attempted to find common ground among the many delegations which believed that the United Nations should condemn the Nigerian regime, but it was clear that the text of the draft resolution had not attracted a consensus. He hoped that most of the difficulties could be resolved before the Committee had to take a decision on it.

33. As far as the former Yugoslavia was concerned, while his delegation hoped that the flagrant human rights abuses which had characterized that conflict would quickly come to an end, respect for human rights must form an integral part of any peacemaking process. The international community must do everything possible to break the cycle of hate and revenge in the region. Member States must meet their commitments in terms of financial support for the International Tribunal so that investigations and trials could proceed. New Zealand hoped that the peace agreements would have a positive impact on the situation of the Albanian minority in Kosovo. The Federal Republic of Yugoslavia had shown its willingness to cooperate with United Nations representatives, and it was to be hoped that the climate of cooperation would result in the establishment of an international monitoring presence in Kosovo.

34. Regarding Myanmar, New Zealand welcomed the decision of its authorities to release Daw Aung San Suu Ky, free other political leaders and establish a dialogue with the representative of the Secretary-General. Sadly, those positive trends had not yet been followed by a true movement towards democracy and respect for human rights, or by the establishment of a climate of reconciliation and political dialogue. The resolution that would be adopted by the General Assembly should encourage the authorities to move quickly towards democratic rule.

35. The situation in Rwanda was characterized by some degree of stability and many initiatives to assist the country to achieve national reconciliation and establish a society based on respect for law and fundamental human rights. Those initiatives, in particular the establishment of an International Tribunal and a human rights field operation, were threatened by a lack of financial support. His delegation urged Member States to pay their assessed contributions

relating to the Tribunal and to lend support to the field operation. It also called for full cooperation with the Tribunal.

36. The report of the Special Rapporteur on the situation of human rights in Iraq (A/50/734) concluded that there had been no sign of improvement in that country. His delegation was dismayed at the ruthless oppression imposed by the Iraqi authorities and their refusal to sell oil to buy food, which had been proposed by the Security Council. Such a policy in its own right constituted a flagrant human rights violation.

37. The Government of New Zealand welcomed the initiative of the Iranian Government to invite the Special Representative on the situation of human rights in Iran to visit and looked forward to receiving his report.

38. There had been some positive developments in the situation in Cuba during 1995, including the Government's decision to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the release of some political prisoners. However, the overall situation remained cause for concern. Some countries, nevertheless, had experienced considerable improvements in their situations, in particular Haiti and El Salvador. In conclusion, the international community must ensure universal respect for human rights and must be ready to provide the mechanisms for the protection of human rights with the necessary human, material and financial support.

39. Mrs. BENNANI (Morocco) said that the obstacles encountered in the promotion and protection of human rights required special attention and international cooperation in the areas of advisory services, education, information and development programmes and policies drawn up by Governments. The world was currently passing through a period of multiple conflicts - of ethnic or religious origin - violence, intolerance, discrimination and denial of basic rights. Despite progress in science and technology, the victims of hunger, disease, armed conflict, exploitation or slavery were legion, without taking into account marginalized groups such as the homeless, the unemployed, members of minority groups, refugees or migrant workers. None of those individuals knew the meaning of the term "human rights". Nevertheless, since the end of the cold war, the universal protection of human rights had entered a new phase. Indeed, the 1993 Vienna Conference, in its Declaration and Programme of Action adopted by consensus, had encouraged Member States to consider respect for human rights as a priority, like development and democracy since those three goals were intrinsically linked. Poverty, injustice and bias must also be eliminated. The protection of human rights should be ensured world wide and no considerations, political or otherwise, should serve to justify inaction in the face of gross violations of human rights.

40. Governments must now demonstrate their political will by making the citizens aware of the need to guarantee human rights through the strengthening of civic and moral education. It was equally necessary to ensure the development of socio-economic rights and to seek international solidarity and more equitable international economic cooperation. Since the goal of the United Nations was to genuinely improve the human condition while respecting the dignity and cultural identity of every nation or group of human beings, it was

surely aware that the quality of life in society had been deteriorating and that even the social fabric was being torn to shreds. It must be aware of the aspiration of all human societies to a safer and more decent life as the twentieth century ended. Nor should the United Nations allow fundamentalists of all stripes, who posed a threat to the universal achievements secured through international human rights instruments, to seize the monopoly on straightening ethical values.

41. Aware of the importance of a human rights culture and of the need to strengthen the democratic process, her Government had implemented a series of legislative, administrative and educational measures recommended by the advisory committee on human rights, a national body established in 1990, which was composed of representatives of the entire political, social and religious spectrum of Moroccan society. For instance, education concerning human rights and the international conventions to which Morocco was party had been included in the curricula of institutes that trained managers or civil servants, including the legal professionals, the police and gendarmerie. Since 1994, the curricula of primary and secondary schools also included human rights issues pursuant to an agreement signed by the Minister responsible for human rights and the Minister of Education. In 1992, the people of Morocco had approved the revision of the Constitution, which solemnly proclaimed Morocco's commitment to universally recognized human rights. That instrument allowed the new Parliament, resulting from free and fair elections, to contribute to the process of consolidating the rule of law. Moreover, Morocco had just established a new standing body, the National Children's Congress, which was mainly responsible for monitoring the implementation of the Convention on the Rights of the Child, ratified by Morocco in 1993.

42. Her delegation hoped that the Dayton Agreement would restore peace to Bosnia and Herzegovina, while ensuring that Serbian war criminals would be brought before the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991.

43. Ms. SHARFMAN (Israel), speaking on agenda item 112 (b), said that her country had been involved in the Second and Third International Workshops on National Institutions for the Promotion and Protection of Human Rights which had been held respectively in Tunis in December 1993 and Manila in April 1995. Those workshops had reaffirmed that the mandates of national institutions should be as broad as possible and that they should be established by Constitutions or other legislative instruments without any discrimination against women. The first European Workshop on National Institutions for the Promotion and Protection of Human Rights, organized in November 1994, had been attended by 17 European countries, which had identified specific forms of racism and proposed measures to be taken at the national level as well as regional cooperation to combat intolerance and racism. The Council of Europe had drawn up a Plan of Action on Combating Racism, Xenophobia, Anti-Semitism and Intolerance.

44. Her delegation felt that national institutions were essential to the practical fulfilment of democracy through oversight and the emphasis on the protection of human rights. However, there was a need for greater independent

oversight, which should be conducted by an ombudsman, a human rights commissioner and a State comptroller. An ombudsman's role was to ensure that all citizens had the opportunity to bring complaints against any governmental branch, agency or body and even to take grievances all the way to the high court of justice. A human rights commissioner could be empowered to deal with human rights violations, encourage governmental activity and coordinate international activities. A State comptroller, for his part, would ensure government accountability. The State Comptroller of Israel had two functions: auditing the accounts of the State and investigating complaints from the public. Among other responsibilities, he examined the legality, morality, integrity, orderly management, efficiency and economy of the inspected bodies, namely, the public administration in its widest sense. The Comptroller had constitutional independence because he was responsible only to the Knesset and had full access to all information, even information of a confidential nature. In his position as Ombudsman, he had wide powers of investigation. All citizens of Israel, residents, tourists, inhabitants of the territories administered by Israel and Israelis abroad had the right to submit a complaint to the Ombudsman. Israel did not have a human rights commissioner. The activities of such a position were presently carried out by non-governmental organizations such as the Civil Rights Association, women's or children's rights groups and the Movement for Governmental Quality. Since such organizations enjoyed extensive access to the Knesset and to government decision makers, they influenced legislation on human rights issues while preserving their right to criticize government policies in that field. Given the central role played by national institutions in the protection of human rights, her country would continue to support their efforts and to preserve their independence.

45. Mr. KAMAL (Pakistan), speaking on agenda item 112 (c), said that, while there were many types of human rights violations, the primary concern of the United Nations was the systematic violation of human rights committed by States and persons in authority and that the United Nations could influence Member States to take legislative, administrative and judicial measures to promote and protect human rights. If, because of political considerations, human rights violations in some parts of the world could not be overlooked, a selective and partial approach which used human rights to target a particular country or a group of countries could only undermine the credibility of the United Nations human rights machinery. At the same time, it was argued that human rights should not be politicized while human rights situations were inextricably linked to political factors. In fact, if the root causes of human rights violations were removed, human rights situations had a better chance of improving, as had been demonstrated in Cambodia, Haiti, El Salvador and South Africa.

46. The international community's reaction to the massive human rights violations in Bosnia and Herzegovina had been slow and feeble. That had encouraged the aggressors to pursue their genocide. The international community had nevertheless established an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991. Moreover, the High Commissioner for Human Rights had begun to intervene in human rights crises and the human rights units operating within peace-keeping operations in Rwanda and Burundi had started new processes which could contribute to the protection of human rights.

47. For four decades, India had unsuccessfully tried to maintain its illegal occupation of Jammu and Kashmir, whose people had risen in the late 1980s to demand their right to self-determination promised to them by the Security Council. The 600,000 troops that India had deployed to terrorize and break the will of the people of Kashmir had killed some 50,000 civilians in the previous five years. In violation of all human rights instruments, India had launched State-sponsored terrorism, committing organized massacres and custodial murders, carrying out extrajudicial and arbitrary executions and arson and denying all fundamental freedoms. All those violations had been widely reported by the international human rights organizations and international media.

48. In order to defend itself against the accusations made against it, India claimed that the problem was one of cross-border terrorism; however, India had yet to respond to Pakistan's proposals for the establishment of a neutral fact-finding mechanism or an increase in the number of United Nations observers along the line of control in order to ascertain the veracity of India's allegations of interference. India flaunted so-called measures of transparency to avoid any further scrutiny of the situation in Kashmir, forgetting that all those who had visited Kashmir, including the United Nations High Commissioner for Human Rights himself, had reported tales of terror and suppression by the Indian forces. India claimed that Kashmir was an integral part of its territory, although Kashmir was a disputed territory over which India had no sovereign jurisdiction, and was recognized as such by the United Nations. Thus, consideration of the human rights situation in the territory in no way constituted interference in the internal affairs of India, but was a necessary intervention to save the Kashmiris from Indian occupation and all its abuses. India also alleged that the movement in Jammu and Kashmir was one of religious extremism in order to denigrate the just cause of a people wishing to exercise its right of self-determination. India claimed that the Kashmir issue could be resolved through bilateral negotiations, about which it talked profusely in international forums in order to avoid any substantive discussion; however, when it sat down with Pakistan at the negotiating table, it was not ready to conduct such a discussion. India proposed the holding of elections in Jammu and Kashmir, but the method of elections it was suggesting had not been accepted by the Security Council; all the "elections" held in Kashmir under duress and military occupation had been rejected by the entire Kashmiri population and all Kashmiri political parties.

49. The crisis in Jammu and Kashmir could be resolved only through the implementation of the Security Council resolutions calling for a free and impartial plebiscite under the supervision of the United Nations to determine the will of the people. The international community should not take a neutral stance because of geopolitical, economic or commercial considerations. It was only through strong international intervention that India would be compelled to stop its violations of human rights in Jammu and Kashmir. The international community must, therefore, exert pressure on India to repeal its draconian laws, withdraw its troops from the territory, enter into a substantive dialogue on the question, and cooperate with the international community in holding a plebiscite in the territory. The Commission on Human Rights could begin by dispatching a fact-finding mission to Jammu and Kashmir; Pakistan urged the United Nations High Commissioner on Human Rights to follow up on his visit to the territory in May 1995.

50. Mr. SHAH (India) said that India, a pluralistic nation with well-established humanistic traditions of tolerance, harmony and non-violence, guaranteed fundamental human rights to all its citizens; those rights were enforced by an independent judiciary and jealously guarded by a free and vigilant press, an articulate public opinion and a vast network of non-governmental organizations.

51. India was encouraged that the international community had adopted the Vienna Declaration and Programme of Action, which underlined the universality, indivisibility and interdependence of all human rights, civil, political, economic, social and cultural, identified new forms of intolerance and violence and defined particularly vulnerable groups (children and minorities) who deserved special consideration.

52. His delegation was very disappointed that human rights issues were being made a matter of North-South confrontation. The accusations of human rights violations that were made, year after year, by many countries of the North against countries of the South (as if violations took place only in the developing countries) were indicative of a coordinated policy which was all the more deplorable in that the protection and promotion of human rights could be ensured only through tolerance, cooperation, pluralism and assistance among nations and not through confrontation, criticism, coercion or the politicization of human rights.

53. Terrorism was one of the most pernicious forms of human rights violation; India was deeply dismayed that there were still nations which were not convinced of that and that only States, Governments and security forces, which were legitimate mechanisms for the protection of human rights, were targeted for criticism and sanctions. Some even seemed more concerned about the human rights of terrorists than about those of their victims. India was therefore encouraged that several heads of State and Government had issued a forthright condemnation of terrorism, terrorist groups and States which sponsored them, regarding them as the primary threat which the United Nations must address, and that the Council of the European Union had issued the La Gomera Declaration on terrorism at the end of the meeting of Ministers of Justice and Home Affairs of the member countries of the European Union.

54. In the Vienna Declaration and Programme of Action, the right to development had finally, but belatedly, been recognized as a fundamental, inalienable and indivisible human right. India commended the United Nations High Commissioner for Human Rights for having initiated consultations on that question. A programme on the right to development must now be launched under section 21 of the proposed programme budget for the biennium 1996-1997, followed by further concrete measures to create a more favourable international economic environment for developing countries. The Commission on Human Rights should take up the suggestion of the Assistant Secretary-General for Human Rights that an intergovernmental group of experts should meet to consider the concept and implementation of the right to development until such time as the Working Group on the right to development was reconvened. Meanwhile, by means of a resolution, the Committee should give a mandate to the Commission on Human Rights to decide on the Working Group's composition and course of action.

55. At the national level, India had long ago set up institutions for the protection of human rights (national commission for minorities, national commission for women and national commission for human rights) which were autonomous bodies with wide-ranging powers of inquiry and redress. Those bodies advised the Government on legislation to be adopted in the areas they covered and monitored compliance with treaty obligations in cooperation with non-governmental organizations. The National Commission for Human Rights, for example, worked actively in the area of civil liberties; it reviewed laws, heard complaints, including complaints against the Government, and maintained contact with external organizations and the United Nations.

56. Believing that the human mind was the main source of all forms of intolerance and that the study of other cultures was bound to help combat them, India strongly supported human rights education. Without tolerance and a commitment to pluralism, States could not ensure the full enjoyment of all human rights. In that respect, it should be stressed that non-governmental organizations played an important role in promoting communication and knowledge. In India, those organizations were helping to promote intercommunal harmony and protect the interests of disadvantaged groups.

57. Turning to the report of the United Nations High Commissioner for Human Rights (A/50/36), a commendable document, his delegation noted that while the Vienna Declaration and Programme of Action had called for the adaptation of the human rights machinery, any change in the mandates must be closely scrutinized and approved by an intergovernmental body. While the administrative restructuring of the Centre for Human Rights fell within the scope of the Fifth Committee, it was the task of the Third Committee to study the restructuring of policy, ensuring that emphasis was placed on economic, social and cultural rights, which were being neglected because priority was still being accorded to civil and political rights. In the composition of the staff of the Centre for Human Rights and all human rights mechanisms and programmes, a proper geographical balance must be ensured in order to maintain the credibility of the system. The High Commissioner should exercise particular caution in collecting data on human rights so as to avoid any disinformation or intrusion.

58. The functioning of the treaty bodies should be monitored by the High Commissioner for Human Rights; their recent tendency to expand their mandates unilaterally, with the encouragement of some States, should be checked if States parties were to continue to cooperate with them. The "innovative" procedures devised by them and the studies or reports of experts appointed by the Centre for Human Rights should also come under the scrutiny of the Commission on Human Rights. As the High Commissioner had stressed, duplication should be avoided in the reports by States to treaty bodies and the International Labour Organization (ILO). One means of ensuring that would be for States to confine their reporting to the most relevant body and inform the High Commissioner or the Commission on Human Rights.

59. The Third Committee's Working Group on human rights had worked with maximum efficiency to set up the Office of the High Commissioner for Human Rights. His delegation trusted that the follow-up of the Vienna Declaration and Programme of Action would be undertaken in the same spirit.

60. Mr. KODELLAS (Greece), speaking on agenda item 112 (c), said that his delegation fully concurred with the statement made at the 39th meeting by the representative of Spain on behalf of the European Union on agenda item 112 (b) and (c).

61. However, he found it necessary to expound further on the problem of Cyprus, a State Member of the United Nations which had undergone a foreign military invasion. Human rights violations continued in that country, prolonging the sufferings of the population and creating an unpredictable situation which could hardly contribute to the stability and security of the volatile region of the south-eastern Mediterranean. Since the Turkish invasion of northern Cyprus in 1974, 200,000 Greek Cypriots had been forced by Turkish troops to abandon their homes and properties, which had been distributed to members of the Turkish occupation army and to the numerous Turkish civilians (more than 90,000) who had settled in the occupied territory. The result had been the continuing immigration of Turkish Cypriots (proof of which could be found in the Turkish Cypriot press), since the settlers were favoured by the occupying forces. It could thus be seen that the Turkish Government was quite methodically continuing to alter the demographic structure of the island, particularly in the occupied territory. The Greek Cypriot enclave in the occupied territory suffered from unacceptable living conditions and its inhabitants were subjected to oppression, discrimination, harassment and acts of violence; that explained the number of departures (of the 22,000 Greek Cypriots who had lived in the enclave in 1974, only 519 remained). Numerous United Nations reports on the situation of the Greek Cypriots in northern Cyprus brought out the fact that the Turkish Cypriot side had not carried out most of the commitments it had made under the third Vienna Agreement. Mention might also be made of the 1,619 missing persons or the systematic looting of the country's cultural heritage.

62. The Government of Turkey had done nothing to comply with the innumerable resolutions adopted by the United Nations Security Council and General Assembly or to honour the commitments it had undertaken by signing the international conventions for the protection of human rights. Not content with ignoring the international community's appeals, it had been trying for more than 20 years to neutralize the world's conscience in the expectation that the world community would become accustomed to the situation. Since there was no doubt whatsoever that respect for human rights in Cyprus went hand in hand with the efforts to find a just and viable solution to the problem, and that the status quo which had prevailed for 21 years had on many occasions been declared unacceptable by the United Nations and other international bodies, it was high time for the international community to act decisively to put an end to Turkish practices. No lasting solution would be possible as long as the Turkish occupying forces and settlers had not withdrawn from Cyprus and human rights and fundamental freedoms had not been restored.

63. His Government constantly followed a policy of good-neighbourliness and cooperation with Albania, supporting that country's efforts to promote political and economic reforms and providing it with economic support. Both countries believed that the Greek minority living in Albania, once subject to persecutions, helped to further their rapprochement and cooperation. That was an additional reason that the human rights of the Greek minority should be fully respected and that its members should be encouraged to stay in their homeland

and live in a safe environment. It was therefore with concern that his Government noted that certain restrictions continued to apply to the free exercise of their rights, particularly in the field of education, and it sincerely hoped that the Albanian Government, in conformity with its international commitments, would rectify that situation.

64. Mr. TÜRK (Slovenia), speaking as Chairman of the Working Group of the Third Committee, recalled that the Working Group had resumed its work on 15 September 1994 with the mandate of considering the question of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of Part II of the Declaration (A/CONF.157/24).

65. During the forty-ninth session of the General Assembly, a number of delegations had contributed informal documents which had led to a broad exchange of views. In his capacity as Chairman of the Working Group, he had himself submitted two unofficial texts - an outline for discussion on 7 November 1994 and a non-paper on 5 December 1994 - which attempted to synthesize the ideas expressed in the informal documents circulated by various delegations. The non-paper had taken the form of a draft resolution reflecting the three substantive aspects of paragraph 17 of Part II of the Declaration. It had been discussed in several informal consultations. On 11 January 1995, the Working Group had agreed that further work should proceed on the basis of the non-paper and that it should meet again after the fifty-first session of the Commission on Human Rights.

66. Delegations had been particularly busy and active during the period between February and September 1995; that had affected the work of the Working Group, which had met on 3 May and 25 August. In addition, he himself had held a number of informal consultations. He had been informed during that period that the non-aligned countries had been preparing a series of amendments to the non-paper he had submitted. Several other delegations had also wished to make amendments to the text after the non-aligned countries submitted theirs. He had received the non-aligned countries' amendments on 28 November 1995 and had submitted them to the Working Group as a whole on 29 November. He wished to thank the delegation of Malaysia, which had coordinated the process among the non-aligned countries, and the delegations of Indonesia and, subsequently, Colombia, which had chaired the Movement of Non-Aligned Countries.

67. Other delegations would certainly make comments on the amendments prepared by the Movement of Non-Aligned Countries and would submit their own amendments, thus enabling a more intensified discussion on the basis of the non-paper. The discussions would probably begin around mid-January 1996; he hoped that the Working Group would have made substantive progress in its work in January and February 1996 and that it would have concluded its work by the end of the fiftieth session of the General Assembly, or before.

68. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to recommend to the plenary that consideration of agenda item 112 (b) should not be concluded so that the Working Group could continue its work in 1996.

69. It was so decided.

The meeting rose at 6.15 p.m.